Case: 1:21-mj-00428
Assigned to: Judge Faruqui, Zia M.
Assign Date: 5/14/2021
Description: COMPLAINT W/ARREST WARRANT

STATEMENT OF FACTS

Your affiant, [redacted] is a Special Agent with the Federal Bureau of Investigation (FBI). I have been in this position since January 2011. In addition to completing the FBI academy, I have received additional training in the areas of violent crime, national security, counter terrorism, and domestic terrorism. During my time as a Special Agent, I have been involved in numerous investigations as the primary investigator and in subsidiary roles. Currently, I am a tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 PM. Shortly thereafter, by approximately 1:30 PM, the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary barricades and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly around 2:00 PM, individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 PM members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 PM. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

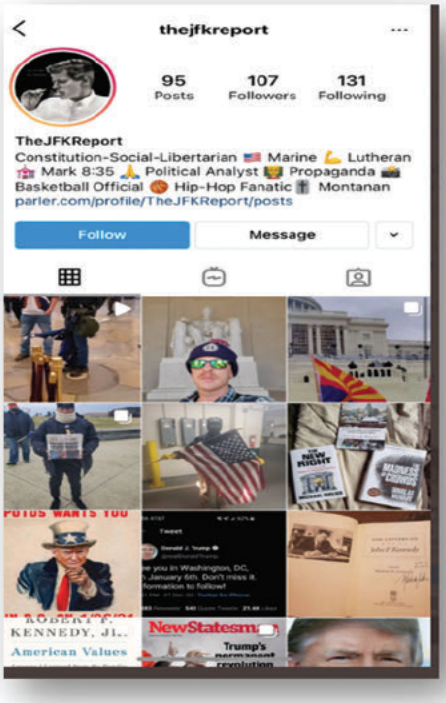
Following the events of January 6, 2021, members of the public contacted the FBI to inform the agency that an individual had posted video to the Instagram accounts @micajahjackson and @thejfkreport, and that the video appeared to have been taken by someone who breached the U.S. Capitol.

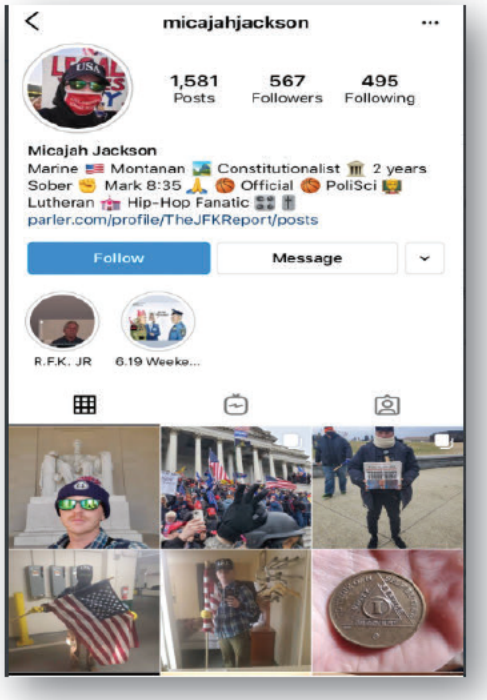
A review of the posts and videos from Instagram accounts @micajahjackson and @thejfkreport on January 6, 2021, include photographs and videos of individuals entering and remaining inside the U.S. Capitol, but the photographer/videographer does not show himself in the photos/videos. The Instagram accounts @micajahjackson and @thejfkreport have photographs—including selfies and mirror selfies—of an individual who matches the driver's license photograph (not pictured) of Micajah Joel Jackson. The accounts @micajahjackson and @thejfkreport are associated with the email address micajahjackson@gmail.com and phone number 480-236-5284. The phone number 480-236-5284 is associated with Micajah J. Jackson.

PHOTOGRAPH 1: *A photograph of defendant Micajah J. JACKSON in a mirror selfie posted to social media wearing distinctive clothing in what appears to be a hotel room on January 6, 2021. The defendant did not yet have an orange armband on his left bicep.*

Through legal process served on Facebook, law enforcement viewed photographic and video content of an account created using the email address micajahjackson@gmail.com and phone number 480-236-5284. The social media content includes photographs of an individual wearing the same distinctive clothing, including a flannel shirt, USA hat, green cargo pants, yellow gloves, and an orange arm band on his left arm. This individual is also shown wearing a black backpack and carrying a U.S. flag.

PHOTOGRAPH 2: *A photograph of defendant Micajah J. JACKSON wearing the same distinctive clothing from PHOTOGRAPH 1 along with a black facemask and an orange armband in the vicinity of the Washington Monument on January 6, 2021. The defendant stated that Proud Boys from Arizona gave him the orange armband.*





SCREENSHOTS 1 & 2: *(left) A screenshot of defendant Micajah J. JACKSON's Instagram account @thejfkreport and (right) a screenshot of defendant Micajah J. JACKSON's Instagram account @micajahjackson. Both accounts are associated with the email micajahjackson@gmail.com and phone number 480-236-5284.*

At the time of the writing of this Statement of Facts, it appears that the Instagram account @micajahjackson has been made private and the Instagram account @thejfkreport has deleted any posts made between January 2, 2021, and January 15, 2021.

Your affiant has reviewed the publicly available material on @thejfkreport. On December 11, 2020, the account @thejfkreport posted a picture that appears to depict George Washington crossing the Delaware with the following words beneath it: AMERICANS[.] WILLING TO CROSS A FROZEN RIVER TO KILL YOU. IN YOUR SLEEP. ON CHRISTMAS. TOTALLY NOT KIDDING. WE'VE DONE IT. The account @thejfkreport added the caption:

Good Night America 🙏us

SCREENSHOT 3: *A screenshot of a post to one of defendant Micajah J. JACKSON's Instagram accounts (@thejfkreport) from December 11, 2020.*

On December 12, 2020, the account @thejfkreport posted a screenshot of what appears to be a tweet from the verified account of Donald J. Trump (WE HAVE JUST BEGUN TO FIGHT!!!) with the following caption:

> @realdonaldtrump @whitehouse You tell us when Sir. You are the commander in Chief. WE WILL NOT CONCEDE 🙏us The Alt-Left will not reign a crony Democracy. WE ARE A CONSTITUTIONAL- REPUBLIC us✝️

Tweet
Donald J. Trump
@realDonaldTrump
WE HAVE JUST BEGUN TO FIGHT!!!
6:47 AM · 12 Dec 20 · Twitter for iPhone
9,520 Retweets 2,686 Quote Tweets 37.9K Likes
thejfkreport • Follow
thejfkreport @realdonaldtrump @whitehouse You tell us when Sir. You are the commander in Chief. WE WILL NOT CONCEDE 🙏us The Alt-Left will not reign a crony Democracy. WE ARE A CONSTITUTIONAL- REPUBLIC us✝️
#TheJFKReport #JFK #JohnFKennedy #ReportJFK #JFKReport #USA #TheUnitedStatesofAmerica #UnitedStates #America #MAGA
12 likes
DECEMBER 12, 2020
Comments on this post have been limited.

SCREENSHOT 4: *A screenshot of a post to one of defendant Micajah J. JACKSON's Instagram accounts (@thejfkreport) from December 12, 2020.*

Your affiant has also reviewed photographs and videos that are publicly available on the internet. The defendant appears in many of those videos, often referred to by the hashtags assigned to him by internet sleuths. These hashtags include #yellowglovesorangearmband and #tartanplaidPB.

It is your affiant's understanding that the letters PB in #TartanPlaidPB appear to stand for Proud Boy.[1] This is likely because on January 6, the defendant is seen on many occasions and at different times with the Proud Boys from Arizona. ON January 6, the Proud Boys from Arizona appear to have adopted the color orange, wearing orange hats, armbands, facemasks, and/or orange duct tape applied to helmets or other items of clothing to identify their affiliation with each other.

[1] The Proud Boys is a nationalist organization with multiple U.S. chapters and potential activity in other Western countries. The group describes itself as a "pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists." Proud Boys members routinely attend rallies, protests, and other events where they sometimes engage in violence against individuals whom they perceive as threats to their values. The group has an initiation process for new members, who often wear yellow clothing or accessories or other apparel adorned with the Proud Boys logo to events.

A publicly available photograph shows the defendant walking on January 6, 2021, with a group of individuals who identified themselves as Proud Boys walking near the Washington Monument.[2]

PHOTOGRAPH 3: *The defendant walked with a group of individuals who identified themselves as Proud Boys towards the U.S. Capitol from the Washington Monument on January 6, 2021.*

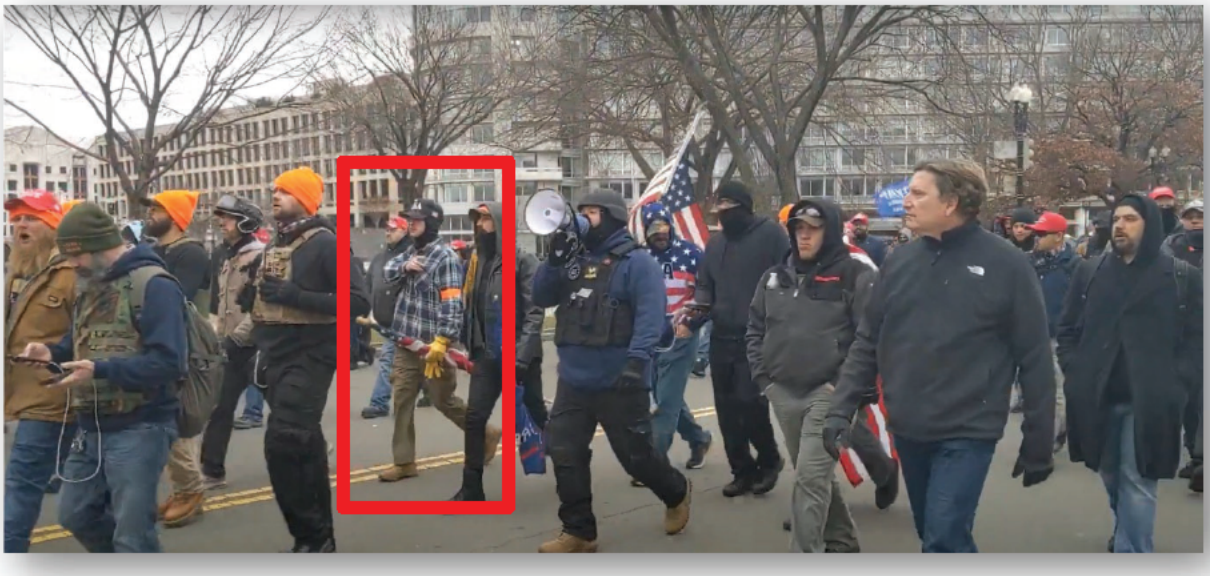
As the defendant neared the U.S. Capitol, he was again seen walking with a group of individuals—some of whom are wearing orange clothing or orange markings on their clothes. The defendant is walking next to an individual who is yelling through a bullhorn: WHOSE STREETS?

The group can be heard yelling in response: OUR STREETS.[3] At the front of the group with a bullhorn of his own is Proud Boys organizer and separately indicted defendant Joe Biggs.[4]

[2] https://media4.s-nbcnews.com/j/newscms/2021_05/3446596/210201-proud-boys-capitol-ew-1127a_f3159ad2a01afd6f193a251280531003.fit-2000w.jpg

[3] https://youtu.be/oN5uqwPcsPo

[4] https://youtu.be/DHessyWYXqM



SCREENSHOT 5: *The defendant walked with a group of individuals led by Proud Boys organizer Joe Biggs, some of whom were dressed in orange, towards the U.S. Capitol on January 6, 2021. After the man with the bullhorn asked: WHOSE STREETS? the crowd responded: OUR STREETS!*

The group encountered its first barricades at approximately 12:55 PM.[5] After a brief period, the group breached that barricade, and soon thereafter the group breached a second barricade on Pennsylvania Walkway.[6] The group soon flooded the Lower West Plaza.[7] At a certain point, law enforcement agents deployed what appears to be a chemical irritant into the crowd, and the defendant can be heard yelling: THEY'RE SPRAYING! HEY, WATCH OUT![8]

SCREENSHOT 6: *The defendant ran away from law enforcement agents that were deploying what appears to be a chemical irritant while yelling: THEY'RE SPRAYING! HEY, WATCH OUT!*

[5] https://youtu.be/N1cIEdzmcWs
[6] Id.
[7] Id.
[8] https://youtu.be/IBUOVQmE5GQ

The defendant is again seen in the Lower West Plaza as the crowd continued to fill in around him.[9] At a certain point, some sort of explosive device detonated in the crowd near the defendant. The flash of the detonation is visible in Screenshot 9 below.

SCREENSHOTS 7, 8, 9: *(left to right, top to bottom) The defendant looked towards the North West inauguration scaffolding; the defendant plugged his ears; and an unidentified explosive device detonated.*

[9] https://youtu.be/MrW1bD9laoU

After the detonation of the explosive device, the crowd sang The Star-Spangled Banner, giving especial emphasis to the line: The bombs bursting in air. The defendant then pointed towards the Senate Wing of the Capitol and began moving in that direction.

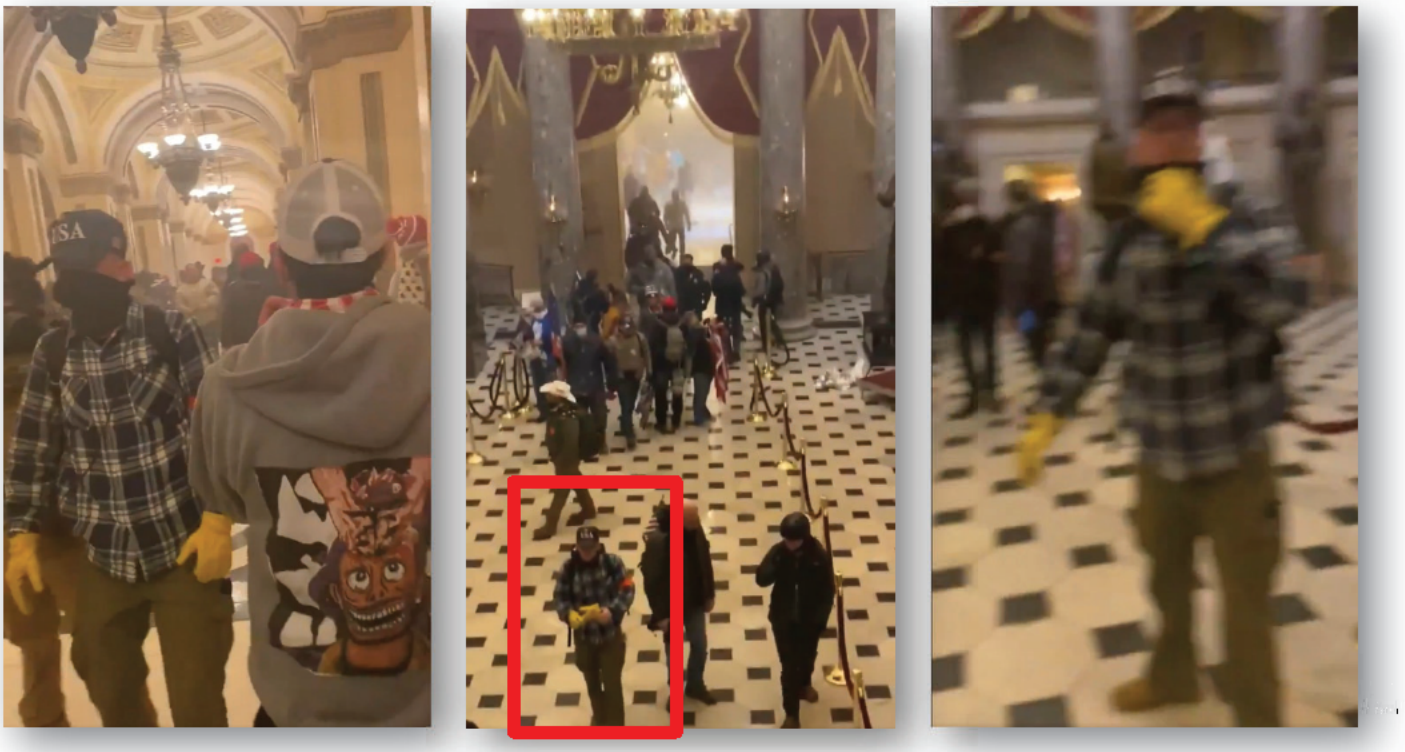
SCREENSHOTS 10, 11, 12, 13: *(top to bottom) The defendant stood in front of the unidentified videographer after the crowd sang The Star-Spangled Banner; the pointed towards the scaffolding/the Senate Wing of the Capitol (where he would eventually enter); the defendant began walking in that direction; and the defendant continued walking in the direction of the Senate Wing doors.*

Law enforcement agents reviewed CCTV footage from approximately the same time that the defendant posted photographs and videos to his social media accounts. While doing so, law enforcement agents viewed the defendant with what appeared to be a cellphone recording or streaming video while inside the U.S. Capitol. As can be seen in the screenshots below, the CCTV footage matches the footage uploaded to social media accounts by the defendant.

SCREENSHOTS 14, 15: *(left) A screenshot from U.S. Capitol CCTV showing defendant JACKSON filming/streaming a video of an unidentified man in yellow just inside a window of the U.S. Capitol, and (right) a screenshot from an Instagram Story defendant Micajah J. JACKSON posted to his Instagram account (@micajahjackson) showing the same unidentified man in yellow. (The light blue circles and red box were digitally added by your affiant for clarity and are not present in the original videos.)*

The screenshots below are portions of certain publicly available videos where the defendant is seen inside the hallways of the Capitol and inside the National Statuary Hall.[10] [11] [12]

[10] https://twitter.com/Shermichael_/status/1346915565089206272
[11] https://twitter.com/bresreports/status/1346906836805578755
[12] https://youtu.be/CSF5FHIGlbg



SCREENSHOTS 16, 17, 18: *(left to right) The defendant walked through various areas of the Capitol building, including the hallway leading to the National Statuary Hall and the National Statuary Hall itself. Some sort of smoke, fog, cloud, or haze is visible to varying degrees in these screenshots.*

The defendant eventually left the Capitol and can again be seen on publicly available photographs and videos on the Central East Stairs of the Capitol and in the Eastern Plaza.[13]

PHOTOGRAPH 4: *The defendant looked back toward the Capitol while standing on the Central East Stairs of the Capitol. The yellow circle and enlargement of the defendant were added for clarity.*

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[13] https://www.gettyimages.com/detail/news-photo/supporters-of-us-president-donald-trump-protest-outside-the-news-photo/1230454767

The defendant is subsequently seen walking down the Central East Stairs and speaking with an unidentified individual in the Eastern Plaza.[14]

SCREENSHOTS 19, 20: *(top to bottom) The defendant walked into the Eastern Plaza and talked with an unidentified individual.*

[14] https://youtu.be/oy6Wyeqvsx0

On March 24, 2021, FBI agents, including your affiant, conducted a non-custodial interview of the defendant at his residence. During the interview, the defendant stated in sum and substance that he entered and remained inside of the U.S. Capitol and that he did so without permission. The defendant identified the Instagram accounts @micajahjackson and @thejfkreport as his. When FBI agents showed defendant Photograph 1 and Photograph 2 (above), the defendant identified the individual in those photos as himself. When shown Screenshot 14 (above, but without the light blue circle) from the U.S. Capitol CCTV video, the defendant also identified the individual in the screenshot as himself. The defendant stated that the black backpack he is seen wearing contained medical supplies.

The defendant stated that he had traveled alone to Washington D.C. to attend the rally scheduled for January 6, 2021. When asked about the orange armband, the defendant stated in sum and substance that a group of Proud Boys from Arizona gave him the orange armband. The armband appears to be bright orange electrical/duct tape that is wrapped around the defendant's left bicep.

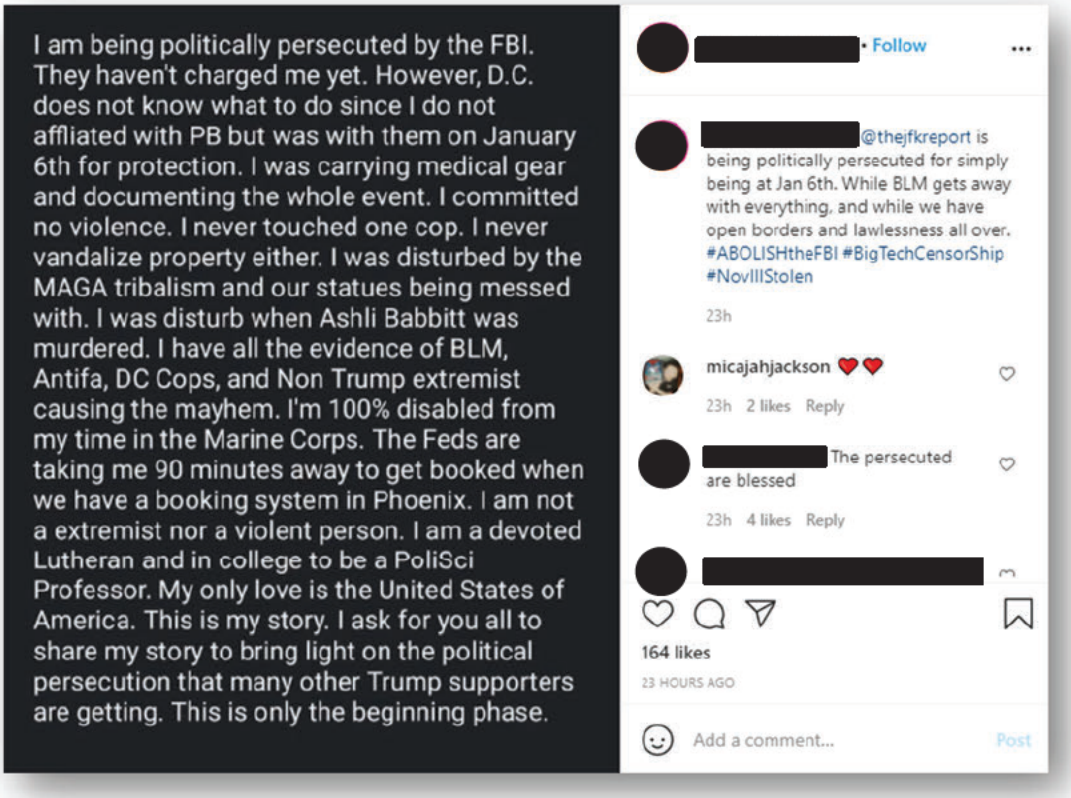
The defendant stated that he did not know and was not associated with the Proud Boys prior to January 6, 2021. The defendant further stated that the only reason he was with the Proud Boys on that date was because he had traveled to Washington, D.C., alone. The defendant further stated that he just wanted to meet up with other people from Arizona. The defendant further stated that he is not affiliated with the Proud Boys and does not support their ideology.

On May 12, 2021, an individual with whom the defendant is connected on social media and whose account is public, posted the following screenshot, allegedly written by the defendant in which the defendant again claims no association with the Proud Boys. The post had the following caption:

> @thejfkreport is being politically persecuted for simply being at Jan 6th. While BLM gets away with everything, and while we have open borders and lawlessness all over. #ABOLISHtheFBI #BigTechCensorShip #NovIIIStolen

The Instagram account @micajahjackson left the comment: 💔💔 on the post. The Instagram account @thejfkreport left the following comment in response to another user:

> @[] They [the FBI] are taking me to Florence once charges pend. That's 90 minutes away from where I live. Florence is the roughest jail in the U.S. They haven't charged me yet because they don't know what to charge me with for not being violent and walking with PB.


I am being politically persecuted by the FBI. They haven't charged me yet. However, D.C. does not know what to do since I do not affliated with PB but was with them on January 6th for protection. I was carrying medical gear and documenting the whole event. I committed no violence. I never touched one cop. I never vandalize property either. I was disturbed by the MAGA tribalism and our statues being messed with. I was disturb when Ashli Babbitt was murdered. I have all the evidence of BLM, Antifa, DC Cops, and Non Trump extremist causing the mayhem. I'm 100% disabled from my time in the Marine Corps. The Feds are taking me 90 minutes away to get booked when we have a booking system in Phoenix. I am not a extremist nor a violent person. I am a devoted Lutheran and in college to be a PoliSci Professor. My only love is the United States of America. This is my story. I ask for you all to share my story to bring light on the political persecution that many other Trump supporters are getting. This is only the beginning phase.
Follow
@thejfkreport is being politically persecuted for simply being at Jan 6th. While BLM gets away with everything, and while we have open borders and lawlessness all over. #ABOLISHtheFBI #BigTechCensorShip #NovIIIStolen
23h
micajahjackson
23h 2 likes Reply
The persecuted are blessed
23h 4 likes Reply
164 likes
23 HOURS AGO
Add a comment...
Post

SCREENSHOT 21: *A post from one of the defendant's social media connections allegedly written by the defendant in which he claims that he is being politically persecuted, that he has evidence that "BLM, Antifa, DC Cops, and Non Trump extremist [groups]" caused all the mayhem. The defendant then ends by stating: This is only the beginning phase.*

Previously, that same account posted a picture of the defendant (tagged as @thejfkreport) together with several other unidentified males and the caption: KAGA CREW. One comment to the picture—a comment which was liked by the poster—stated: All you need is some body armor and ARs and you'll be ready to take your state back.

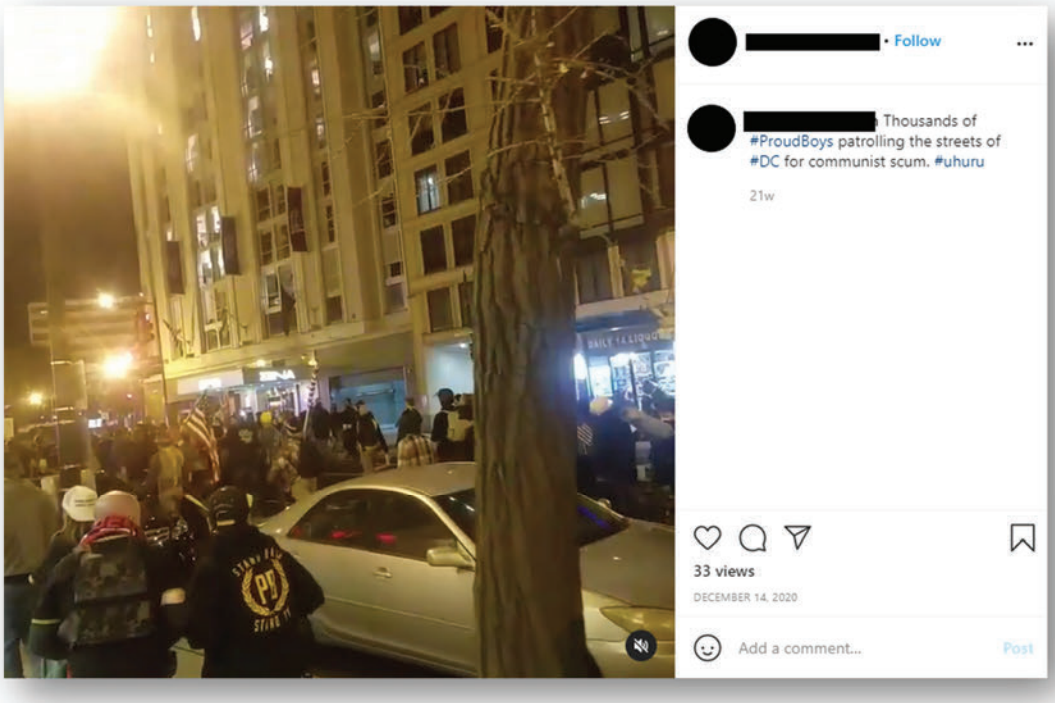
SCREENSHOT 22: *A post from the defendant's same social media connection as Screenshot 21 where the defendant is tagged, and a comment encourages using body armor and assault rifles to "take your state back." The defendant's shirt appears to read: I STILL HATE COMMIES EVEN AFTER THEY CHANGED THEIR NAME TO LIBERALS.*

The defendant shared that same photograph on his account (@thejfkreport) with the caption:

Saturday is for the Boyz us [. . .]Arizona's Patriot Squad .

A second individual—who is connected with the defendant on social media and who is also tagged in Screenshot 22 (above) with the defendant—posted a video on December 14, 2020. The post has the caption:

Thousands of #ProudBoys patrolling the streets of #DC for communist scum. #uhuru



SCREENSHOT 23: *A post from a second social media connection of the defendant who is tagged in the group picture with the defendant in Screenshot 22. An individual in the screenshot is seen wearing a black hooded sweatshirt with the yellow Proud Boys logo and the words, "Stand Back, Stand By" and the caption reads: Thousands of #ProudBoys patrolling the streets of #DC for communist scum. #uhuru*

Your affiant is including this information about the defendant's social media accounts because while the defendant has repeatedly claimed to not be affiliated with any Proud Boys, there is evidence through his social media connections that contradicts that claim. Your affiant does not intend for the screenshots of posts made by the defendant's social media connections to be used for any reason other than as evidence of defendant's intent in violating the subsequent statutes or to contradict the self-serving statements made by the defendant to the FBI.

Based on the foregoing, your affiant submits that there is probable cause to believe that Micajah Joel JACKSON violated 18 U.S.C. §§ 1752(a)(1) and (2), which make it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions or attempts or conspires to do so. For purposes of 18 U.S.C. § 1752, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that Micajah Joel JACKSON violated 40 U.S.C. §§ 5104(e)(2)(D) and (G), which make it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

[redacted]
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 14th day of May 2021.

2021.05.14
17:11:34 -04'00'

ZIA M. FARUQUI
U.S. MAGISTRATE JUDGE